

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JULIE DELANEY and
WILLIAM P. DELANEY

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

CIVIL ACTION No. 05-CV-10241 (MLW)

**CONSENT MOTION FOR EXTENSION OF TIME TO FILE
MOTION FOR SUMMARY JUDGMENT AND TO AMEND REMAINING
DISPOSITIVE MOTION BRIEFING SCHEDULE**

Defendant Eli Lilly and Company (“Lilly”) hereby moves **with the consent of Plaintiffs** Julie and William Delaney for an extension of time to file its Motion for Summary Judgment (Docket No. 40) and for a proportionate extension to the remaining summary judgment briefing schedule. As grounds for its motion, Lilly states:

1. The original summary judgment briefing schedule issued by the Court on July 27, 2006 called for dispositive motions to be filed on August 11, 2006, oppositions to be filed September 11, 2006, and replies to be filed on September 25, 2006.

2. Due to recent staffing changes and a calendaring error, Lilly failed to file its dispositive motion on or before August 11, 2006.

3. The proposed extension will not require any rescheduling of court appearances or trial-related events, as the only events currently in the scheduling order relate to dispositive motion briefing.

4. Counsel for Plaintiffs consents to the requested extension and to the filing of Lilly’s Motion for Summary Judgment out of time.

5. For all these reasons, Lilly requests that the Court allow the filing of its Motion for Summary Judgment out of time and that the following amended dispositive motion briefing schedule enter:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Lilly's Dispositive Motion Due	August 11, 1006	September 5, 2006
Plaintiff's Oppositions Due	September 11, 2006	October 5, 2006
Lilly's Reply Brief Due (if any)	September 25, 2006	October 19, 2006

Respectfully submitted,

FOLEY HOAG LLP

/s/ Brian L. Henninger

James J. Dillon (BBO # 124660)
 Brian L. Henninger (BBO # 657926)
 FOLEY HOAG LLP
 155 Seaport Boulevard
 Boston, MA 02210-2600
 (617) 832-1000

Dated: September 5, 2006

LOCAL RULE 7.1(A)(2) CONFERRAL CERTIFICATION

I, Brian L. Henninger certify that on September 1st and 5th, 2006, counsel for Lilly conferred with Plaintiffs' counsel regarding Lilly's Motion for Extension Time to File Motion for Summary Judgment and to Amend Dispositive Motion Briefing Schedule. Plaintiffs' counsel consented to the Motion.

/s/ Brian L. Henninger

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[PROPOSED] AMENDED DISPOSITIVE MOTION BRIEFING SCHEDULE

Upon consideration of the Defendant's Consent Motion for Extension of Time to File Motion for Summary Judgment and to Amend Remaining Dispositive Motion Briefing Schedule, it is by this Court this _____ day of _____ 2006, hereby

ORDERED, that the Motion for Extension of Time to File Motion for Summary Judgment and to Amend Remaining Dispositive Motion Briefing Schedule be and the same hereby is, GRANTED, and it is further

ORDERED, that, except as otherwise may be ordered by the Court, the following dispositive motion briefing schedule shall apply to this case:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Lilly's Dispositive Motion Due	August 11, 1006	September 5, 2006
Plaintiff's Oppositions Due	September 11, 2006	October 5, 2006
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Hon. Mark L. Wolf, Chief Judge